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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,657	02/20/2004	Patrick J. Dolan	DOLP 8620U1	7251
1688 7590 09/27/2007 POLSTER, LIEDER, WOODRUFF & LUCCHESI 12412 POWERSCOURT DRIVE SUITE 200 ST. LOUIS, MO 63131-3615			EXAMINER ALI, MOHAMED HATEM	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 09/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/783,657

Applicant(s)

DOLAN, PATRICK J.

Examiner

Mohamed H. Ali

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. **Claim 8** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, the recitation, "The method of claim 8" renders the claim indefinite since it does not show its dependency properly.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Slater** (US 2003/0033246 A1) in view of **Wolfberg** (US 2001/0044765 A1).

As per claim 1, Plater discloses a method of paying tuition and related college or university expenses comprising:

identifying those tuition and related education expenses (see para 0051, lines 10-13; via tuitions and other cost associated with college) which can be paid from funds in the Section 529 investment account;

providing the benefactor (student) a debit card usable by the benefactor (cardholder-student) to pay the tuition and related education expenses as they arise (see para 0041, lines 5-10; via sponsor funded stored value card [like a debit card- no deposit account]); and

debiting the investment account by the amounts paid using the debit card (see para 0030 and **Fig.1 #32**; via withdrawing funds as cash at an ATM).

However, **Plater** fails to explicitly disclose establishing and funding a Section 529 investment account in accordance with Internal Revenue Service rules and regulations, the account being established for a named benefactor.

Wolfberg in the same field of invention discloses the savings program of state college savings plans commonly known as "**529**" plans (see para 0009, lines 8-11; via "529" plans inherently IRS investment account enacted by legislation in 2001).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify sponsored fund in order to include the state college "**529**" savings plans to facilitate the savings/investment vehicles guarantee and cover the cost of education at all post-secondary institutions.

As per claim 2, *Plater* discloses the step of identifying those tuition and related expenses which can be paid from investment account funds includes identifying both on-campus and off-campus facilities at which purchases may be made using the debit card, and identifying the types of expenses which can be paid for at those facilities using the card (see para 0054, lines 13-25; via stored valued card transaction in university and outside grocery store, book store, apartments etc.).

As per claim 3, *Plater* discloses the steps of including pre-approving the expenses, which can be paid for using the debit card prior to the benefactor using the debit card to pay for expenses incurred at those facilities (see 0051, lines 1016; via funds may cover tuition, books, room, lab supplies and other cost associated with college inherently pre-approved and predetermined amount of the money to be received).

As per claim 4, *Plater* discloses the steps of including establishing a central database for all colleges and universities, and on-campus and off-campus facilities at those institutions which are approved for use with the investment account, so any benefactor of a Section 529 investment account can use their debit card at those institutions and facilities.

As per claim 5, *Plater* discloses the steps of including recording of those expenses paid for by the benefactor using their debit card, subtracting those expenses from the amount in the investment account, and providing a record of the expenses and the balance remaining in the account (see para 0054; via recording of transactions and keep track of expenditure to ensure that the debits and credits to the stored value card have been made).

As per claim 6, Plater discloses that the benefactor must use a personal identification number or authorization code each time an expense is paid for using the debit card, so to protect the benefactor and the account (see para 0026, line 9-16; via unique reference number not on the card).

As per claim 7, *Plater* discloses that the debit card is usable for point-of-purchase transactions (see para 0030; via making a POS purchase).

As per claim 8, *Plater* discloses that the debit card is further usable for wire transfers, telephonic transactions, and Internet transactions (see para 0040; via transaction I/O module **154** online purchase).

As per claim 9, Plater discloses the steps of further including charging the benefactor (student- cardholder) a fee for use of the debit card (see para 0042; via transaction fees paid by cardholders).

As per claim 10, Plater discloses the steps of further including charging colleges, universities, and the on-campus and off-campus facilities a fee for inclusion in a database of approved sites where the debit card can be used (see para 0051; via funds covering other costs associated with college inherently any fees also included).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pitroda (US 2003/0115126 A1) discloses System and Method for Servicing Electronic Transaction.

Specckman (US 2003/09724 A1) discloses Tool for Analyzing Investment Plans.

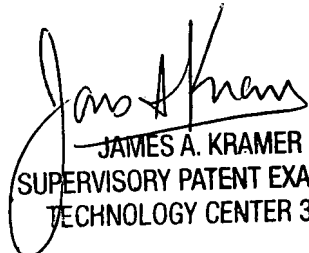
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed H. Ali whose telephone number is 571-270-3021. The examiner can normally be reached on 8.00 to 5.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mohamed H Ali
Examiner
Art Unit 3693

MA


JAMES A. KRAMER
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9-25-07